

I certify that the attached is a true and correct copy of HJR #119, which was filed of record on April 9, 1981 and referred to the committee on:

PERMISSION GRANTED TO INTRODUCE

Constitutional Amendments

FILED APR 9 1981

Betty Murray
Chief Clerk of the House

By *James R. Nowlin*
Hall
J. H. Rulph

H J.R. No. 119

A JOINT RESOLUTION

1 proposing a constitutional amendment to abolish the office of
2 county treasurer in certain counties.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. That Article XVI, Section 44, of the Texas
5 Constitution be amended to read as follows:

6 Sec. 44. (a) Except as provided by Subsection (b) of this
7 section, the [The] Legislature shall prescribe the duties and
8 provide for the election by the qualified voters of each county in
9 this State, of a County Treasurer and a County Surveyor, who shall
10 have an office at the county seat, and hold their office for four
11 years, and until their successors are qualified; and shall have
12 such compensation as may be provided by law.

13 (b) The office of County Treasurer in the counties of Bexar,
14 Tarrant, and Bee is abolished and all the powers, duties, and
15 functions of the office in each of these counties are transferred
16 to the County Auditor or to the officer who succeeds to the
17 auditor's functions.

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21 by the 67th Legislature, Regular Session, abolishing the office of
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23 on January 1, 1983. This provision expires when executed.

24 SECTION 3. This proposed amendment shall be submitted to the

1 voters at an election to be held on November 2, 1982. The ballot
2 shall be printed to provide for voting for or against the
3 proposition: "The constitutional amendment to abolish the office
4 of county treasurer in Bexar, Tarrant, and Bee counties."

HOUSE COMMITTEE REPORT

1ST PRINTING

By Nowlin, et al.

H.J.R. No. 119

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COMMITTEE REPORT

The Honorable Bill Clayton
Speaker of the House of Representatives

4-30-81
(date)

Sir:

We, your COMMITTEE ON CONSTITUTIONAL AMENDMENTS, to whom was referred HJR 119, have had the same under consideration and beg to report back with the recommendation that it (measure)

- (☒) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (☒) yes () no

An author's fiscal statement was requested. () yes (☒) no

An actuarial analysis was requested. () yes (☒) no



The Committee recommends that this measure be placed on the ~~(to call)~~ or ~~(to amend)~~ Calendar.

This measure (☒) proposes new law.
(☒) amends existing law.
(☒) *proposes a constitutional amendment.*
House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
McFarland, Ch.	✓			
Whaley, V.C.	✓			
Atkinson				✓
Barrientos				✓
Delco				✓
Elizondo	✓			
Schoolcraft	✓			
Sharp				✓
Ware	✓			

Total
5 aye
0 nay
0 present, not voting
4 absent


CHAIRMAN

COMMITTEE COORDINATOR

ANALYSIS

Background Information

Article XVI, Section 44, of the Texas Constitution presently requires the legislature to prescribe the duties and provide for the election of a County Treasurer and County Surveyor, in each county of the state, who shall serve four year terms and be compensated as may be provided by law.

Many believe that these offices should not be frozen in the constitution, especially since they are not considered necessary in many counties and, in fact, are a financial burden to several counties of the state. Proponents of local government autonomy argue strongly for leaving the decision about what functionary offices to create and how to fill them to each local governing body.

Purpose and Synopsis

The purpose of this resolution is to amend Art. XVI, Sec. 44, of the Texas Constitution to abolish the office of County Treasurer in the counties of Bexar, Tarrant, and Bee on January 1, 1983, and to transfer all the powers, duties, and functions of the office in each of these counties to the County Auditor.

This resolution also provides for submission of the proposed constitutional amendment, in a prescribed ballot form, to the voters at an election to be held November 2, 1982.

Rulemaking Authority

It is the committee's opinion that this joint resolution does not delegate rulemaking authority to a state officer, agency, department or institution.

Summary of Committee Action

Public notice was posted in accordance with Rule V, Section 14, Rules of Procedure of the House of Representatives, and a public hearing was held on April 14, 1981. The following individuals testified in support of HJR 119:

Tom Ricklioff, District Clerk, Bexar County (representing himself)
Tom Jones, Executive Secretary, Taxpayer's League of San Antonio
Howard Green, Tarrant County Treasurer (representing himself)

The following individuals testified in opposition to HJR 119:

Richard Kirkpatrick, President, County Treasurers' Association of Texas
Johnny Crow, Travis County Treasurer, County Treasurers' Association of Texas
Henry E. Kriegel, County Treasurer, Texas Association of County Treasurers
Helen R. Walker, Victoria County Treasurer, County Treasurers' Association of Texas

The resolution was referred to a subcommittee consisting of the following: Schoolcraft, ch., Elizondo and Ware, members. On April 22, 1981, the measure was favorably reported to the full committee without amendments.

On April 28, 1981, the measure was considered in public hearing by the full committee. There being insufficient aye votes to report the measure from committee, HJR 119 was laid on the table subject to call.

Pursuant to an announcement read by the Reading Clerk on the floor of the House on April 30, 1981, the full committee convened in a formal meeting. On April 30, 1981, the full committee voted to report HJR 119 back to the House without amendments and the recommendation that it do pass by a record vote of five (5) ayes and no (0) nays (4 members absent).

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 14, 1981

Honorable Bob McFarland, Chairman
Committee on Constitutional Amendments
House of Representatives
Austin, Texas

In Re: House Joint Resolution No. 119
By: Nowlin, et al

Sir:

In response to your request pursuant to House Rules, Section 3.119, this office finds the fiscal implications of House Joint Resolution No. 119 (proposing a constitutional amendment to abolish the office of county treasurer in certain counties) to be as follows:

If the Legislature approves the proposed amendment for placement on the ballot, a cost for publication would be incurred. The cost of publication of resolutions, prior to election, has been included for the Secretary of State in the General Appropriations Bill as introduced. The funding would cover the costs of publishing approximately nine amendment summaries. If more than nine constitutional amendments are proposed by the Legislature, it would be necessary to increase the general appropriation for advertising each additional constitutional amendment by approximately \$52,000.

No fiscal implication or additional cost to the State attributable to the resolution, should it be adopted, is anticipated.

Because the resolution would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal impact on units of local government.


Thomas M. Keel
Director

HOUSE ENGROSSMENT

SPECIAL PRINTING

By Nowlin, et al.

H.J.R. No. 119

A JOINT RESOLUTION

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(b) The office of County Treasurer in the counties of Bexar, Tarrant, and Bee is abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Auditor or to the officer who succeeds to the auditor's functions.

SECTION 2. That the following temporary provision be added to the Texas Constitution:

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H.J.R. No. 119

1 voters at an election to be held on November 2, 1982. The ballot
2 shall be printed to provide for voting for or against the
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4 of county treasurer in ~~Bexar~~ Tarrant and Bee counties."

(Andujar)

COMMITTEE REPORT FORM

MAY

27

Austin, Texas

Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS to which was referred
HJR. ~~B~~ No. 119 have had the same under consideration, and I am instructed to report it back to the Senate
with the recommendation that it do ____ pass as amended and be printed.

Chairman


JOHN A. TRAEGER

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

Amendment # Leedon

cc 5/27/81

Amend H JR 119 Sec 44 (3)

by deleting
after the word "in the" be substituted
the words "counties of Tarrant and Bee"

ADOPTED

MAY 30 1981

Betty King
Secretary of the Senate

CPB

Not an office to treasure

Same song, another repetitive verse.

The move to abolish the Tarrant County treasurer's office has taken another positive step forward. It did so with a strong legislative push by Rep. Lanny Hall. And by the time the Legislature winds up its work, the issue could be in the hands of Texas voters, which will mean the issue is in good hands.

The matter of getting rid of the office has had an up-and-down experience.

In 1978, onetime Tarrant County Judge Howard Green ran for county treasurer on the platform of abolishing the office. Green won. In electing Green, Tarrant County voters said, in effect, they wanted the office abolished.

Should be easy, huh?

Simply have the Legislature set up a referendum to let Tarrant County voters decide the issue at the polls, which voters did. Abolish the county treasurer's office, said the voters by a margin of more than three to one. Victory at last. Not quite. A district court

judge said the election was unconstitutional. The Second Court of Civil Appeals agreed. The Texas Supreme Court said ditto.

Back to square one.

Rep. Hall picked up the ball, introducing a constitutional amendment resolution in the Texas House that would place the issue of abolishing the Tarrant County treasurer's office before Texas voters. State representatives from Bexar and Bee counties, also seeing the need to streamline county government by abolishing the treasurer's office, joined Hall's effort.

The House overwhelmingly approved Hall's resolution. Now the Texas Senate should line up behind it and give it strong endorsement, too. It would only affect Tarrant, Bexar and Bee counties and they have strongly indicated they want it. There is no compelling reason for the Texas Senate to do otherwise.

The county treasurer's office is a waste of effort and money. No need to sing more songs and verses about it. Just abolish it.

Committee amendment #2 - by Cliche

Section 1 of the HJR 119 is amended to add a subsection (c) to read as follows:

In so far as

{ (c) Provided however, that the office of county treasurer shall be abolished in the above counties only after or ~~after~~ a local ~~election~~ election has been held in each county and the proposition "to abolish the elected office of county treasurer" has passed by a majority of those persons voting in said election.

ADOPTED

MAY 30 1981

Betty King
Secretary of the Senate

PLG

[Handwritten signature]
✓

SENATE AMENDMENTS

2ND PRINTING

By Nowlin, et al.

H.J.R. No. 119

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By Nowlin, et al.

H.J.R. No. 119

SENATE AMENDMENT NO. 1

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7 majority of those persons voting in said election.

8 Uribe

9 SENATE AMENDMENT NO. 2

10 Amend H.J.R. 119, Section 44(b) after the word "in the" by
11 substituting the words "counties of Tarrant and Bee".

12 Leedom

13 SENATE AMENDMENT NO. 3

14 Amend the caption to conform to the body of the bill.

AMEND THE CAPTION TO CONFORM
TO THE BODY OF THE BILL

ADOPTED

MAY 30 1981

Betty King
Secretary of the Senate

[Handwritten initials]

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

June 1, 1981

Date

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.J.R. 119 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

B. Andujar

Andujar

Traeger

Traeger

Vale

Vale

Mengden

Mengden

Leedom

On the part of the Senate

James R. Nowlin

Nowlin

John Hall

Hall of Tarrant

Pierce

Pierce

Reynolds

Reynolds

McFarland

On the part of the House

Paper clip one of these forms to each of the following:
the original and two copies to the house of origin
three copies to the other house

CONFERENCE COMMITTEE REPORT

3RD PRINTING

H.J.R. No. 119

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CONFERENCE COMMITTEE H.J.R. 119

HOUSE VERSION	SENATE VERSION	CONFERENCE REPORT
<p>SECTION 1. Amends Article XVI, Sec. 44 of the Texas Constitution by adding a new subsection (b) to abolish the office of county treasurer in Bexar, Tarrant, and Bee counties and transfers all powers, duties, and functions of that office to the County Auditor or the officer who may succeed him.</p> <p>SECTION 2. Adds a temporary provision to the Texas Constitution stating that the provisions of SECTION 1 take effect on January 1, 1983 and that this provision expires when executed.</p> <p>SECTION 3. Provides for statewide vote to adopt this amendment to the Texas Constitution and states the ballot proposition.</p>	<p>SECTION 1. Same as House version except Bexar County is deleted and a new subsection (c) is added which would allow the office of County Treasurer to be abolished only after a vote on the issue in each county affected.</p> <p>SECTION 2. Same.</p> <p>SECTION 3. Same.</p>	<p>SECTION 1. House version.</p> <p>SECTION 1. Same.</p> <p>SECTION 3. Same.</p>

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ENROLLED

H.J.R. No. 119

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8 proposition: "The constitutional amendment to abolish the office
9 of county treasurer in Tarrant and Bee counties."

H.J.R. No. 119

President of the Senate

Speaker of the House

I certify that H.J.R. No. 119 was passed by the House on May 15, 1981, by the following vote: Yeas 126, Nays 17, 1 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 119 on June 1, 1981, by the following vote: Yeas 100, Nays 45.

Chief Clerk of the House

H.J.R. No. 119

I certify that H.J.R. No. 119 was passed by the Senate, with amendments, on May 30, 1981, by the following vote: Yeas 22, Nays 6, 2 present, not voting.

Secretary of the Senate

APPROVED:

Date

Governor

RECEIVED:

Date

Secretary of State

119

By

Paul Hall
John H. Knibb

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to abolish the office of county treasurer in certain counties.

APR 9 1981

1. Filed with the Chief Clerk.

PERMISSION GRANTED TO INTRODUCE

APR 9 1981

2. Read first time and referred to Committee on

Constitutional Amendments

APR 30 1981

3. Reported favorably ^(as amended)
_(as substituted) and sent to Printer at

MAY 1 1981

3:10 pm

MAY 4 1981

4. Printed and distributed at 8:40 am.

MAY 4 1981

5. Sent to Committee on Calendars at 9:09 am.

MAY 15 1981

6. Read second time ~~(amended)~~ and (finally) passed ~~at Third Reading by~~ a Record Vote of 126 yeas, 17 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 15 1981

11. Ordered Engrossed at 1:50 pm

MAY 15 1981

12. Engrossed.

MAY 15 1981

13. Returned to Chief Clerk at 3:02 pm.

MAY 15 1981

14. Sent to the Senate.

Betty Murray
Chief Clerk of the House

MAY 15 1981

15. Received from the House

MAY 18 1981

INTERGOVERNMENTAL RELATIONS

16. Read, referred to Committee on _____

MAY 27 1981

17. Reported favorably as amended

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 30 1981

20. Regular order of business suspended by

(a viva voce vote.)
(21 yeas, 6 nays.)
2 present

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 30 1981

22. Read second time amended passed to third reading by:
(a viva voce vote.)
_____ yeas, _____ nays.)

MAY 30 1981

23. Caption ordered amended to conform to body of bill.

MAY 30 1981

24. Senate and Constitutional 3-Day Rules suspended by vote of 24 yeas,
4 nays to place bill on third reading and final passage.

MAY 30 1981

25. Read third time and passed by

(22 yeas, 6 nays.)
2 Present

OTHER ACTION:

OTHER ACTION:

Betty King
Secretary of the Senate

May 30, 1981

26. Returned to the House.

MAY 30 1981

27. Received from the Senate (with amendments.)
(as substituted)

May 31, 1981

28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute)
Vote) (Record Vote of yeas, nays, present,
not voting).

May 31, 1981

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of yeas, nays, and present, not voting).

JUN 1 1981

31. Ordered Enrolled at 11:20 PM

1981 MAY 30 PM 2:42

HOUSE OF REPRESENTATIVES

1981 MAY 15 PM 3:02

HOUSE OF REPRESENTATIVES

JUN 1 1981

Conferees Discharged

JUN 1 1981

The House has concurred in Senate amendments
to House SB 119 by vote of 1100 yeas,
45 nays.

HOUSE OF REPRESENTATIVES

1981 MAY 4 AM 8:40